

RESPONSE UNDER 37 CFR § 1.116
EXPEDITED PROCEDURE
EXAMINING GROUP 1646

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No.: DC-0190
Inventors: Hamilton and Stanton
Serial No.: 10/089,475
Filing Date: August 12, 2002
Examiner: Pak, Michael D.
Customer No.: 26259
Group Art Unit: 1646
Confirmation No.: 1040
Title: Compositions and Methods for Modulating
ATP-Binding Cassette Transmembrane
Reporter Protein Expression

Electronically submitted via EFS-Web
Date: February 25, 2009

I hereby certify that this paper is being electronically
Submitted on the date indicated above to the
Commissioner for Patents, U.S. Patent and
Trademark Office (Office of Petitions)

By Jane Massey Licata
Typed Name: Jane Massey Licata, Reg. No. 32,257

Commissioner for Patents
U.S. Patent and Trademark Office
(Office of Petitions)

PETITION FOR AN UNINTENTIONALLY DELAYED BENEFIT CLAIM

Petition is hereby made to claim the benefit of U.S. Provisional
Application No. 60/158,000 filed October 6, 1999 and U.S. Provisional

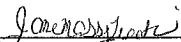
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Application No. 60/194,274 filed April 3, 2000 in accordance with 37 C.F.R. §§ 1.78(a)(2) and (a)5.

The delay between the date the claim was due under 37 CFR §1.78(a)2 and today was unintentional. Applicants claimed priority to U.S. Provisional Application Nos. 60/158,000 filed October 6, 1999 and 60/194,274 filed April 3, 2000 on the unexecuted Declaration and Power of Attorney for Patent Application filed on March 28, 2002 and on the executed Declaration and Power of Attorney for Patent Application filed on January 14, 2003. Claim for priority to these two provisional applications was also published on the cover sheet of the PCT application (of which this case is a national phase). However, the priority claim was not on the filing receipt issued by the U.S. Patent and Trademark Office on October 25, 2002.

Enclosed is the \$1,410.00 petition fee. Please charge any other fees or credit any overpayment to Deposit Account No. 50-1619.

Respectfully submitted,



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Date: **February 25, 2009**
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